

**FOLEY**  
FOLEY & LARDNER LLP

RECEIVED  
2010 OCT -7 PM 4:36  
FEC MAIL CENTER

October 7, 2010

ATTORNEYS AT LAW  
WASHINGTON HARBOUR  
3000 K STREET, N.W.  
SUITE 600  
WASHINGTON, D.C. 20007-5109  
202.672.5300 TEL  
202.672.5399 FAX  
foley.com

WRITER'S DIRECT LINE  
202.295.4081  
cmitchell@foley.com EMAIL

CLIENT/MATTER NUMBER  
999100-0130

**VIA HAND DELIVERY**

Mr. Jeff S. Jordan, Esq.  
Supervisory Attorney  
Complaints Examination and Legal Administration  
Federal Election Commission  
999 E Street NW  
Washington, DC 20463

Re: MUR 6371 - Our Country Deserves Better PAC /  
TeaPartyExpress.org - Respondent

Dear Mr. Jordan:

Please find enclosed the Statement of Designation of Counsel of the undersigned to represent Respondent, Our Country Deserves Better PAC / TeaPartyExpress.org in the above-referenced Matter Under Review.

Simply put, there is no evidence of a coordinated public communication in the instant case. The Complainant, the Republican Party of Delaware ("Complainant"), has alleged that Respondent's public solicitations for its PAC somehow exceed(ed) the contribution limits under the law. However, Respondent's solicitations referenced in the Complaint, as clearly seen from the exhibits attached to the Complaint, were all within the statutory limits for contributions to Respondent. As a federal multi-candidate committee, Respondent is permitted to solicit and receive up to \$5,000 from an individual during a calendar year. See 11 C.F.R. §110.1(d). That is exactly what the Respondent did. At no time has Respondent ever solicited more than \$5,000 from an individual donor, nor is there any evidence furnished by the Complainant to demonstrate such a solicitation. And there is further no evidence that Respondent ever received more than \$5,000 from any individual donor. That information is all a matter of public record on the Respondent's filings posted on the FEC's website. See <http://query.nictusa.com/cgi-bin/fecimg/?C00434074>.

Thus, the allegation that Respondent solicited or received excessive contributions is groundless. Further, Respondent has never made a contribution to Friends of Christine O'Donnell, the principal authorized committee of Christine O'Donnell, Republican nominee for the United States Senate from Delaware. Respondent has made independent expenditures in support of Christine O'Donnell and / or in opposition to her primary opponent Mike Castle. There is nothing in the law that precludes Respondent from soliciting contributions for the purposes of making independent expenditures. Complainant's assertions to the contrary are without any factual basis.

BOSTON  
BRUSSELS  
CHICAGO  
DETROIT

JACKSONVILLE  
LOS ANGELES  
MADISON  
MIAMI

MILWAUKEE  
NEW YORK  
ORLANDO  
SACRAMENTO

SAN DIEGO  
SAN DIEGO/DEL MTR  
SAN FRANCISCO  
SHANGHAI

SHICON VALLEY  
TALLAHASSEE  
TAMPA  
TOKYO  
WASHINGTON, D.C.

WASH\_7397058.1

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
2010 OCT -8 AM 11:22  
OFFICE OF GENERAL  
COUNSEL

11044293497



FOLEY & LARDNER LLP

Mr. Jeff S. Jordan, Esq.

October 7, 2010

Page 2

Complainant filed this complaint as a political ploy because Respondent disagreed with the Republican Party of Delaware's public endorsement and financial support of one of the Republican candidates *before* the primary in Delaware.

However, the *only* evidence of "coordination" cited by Complainant is a surprise appearance by candidate Christine O'Donnell at an event sponsored by Respondent, at which Ms. O'Donnell appeared without the advance knowledge of the Respondent and publicly *thanked* Respondent for its support of her candidacy. Her other remarks were all devoted to her platform as a candidate. Such a tangential public appearance by the candidate at an event held to mobilize grassroots support for the O'Donnell candidacy where the *only* comments were to *thank* the organizers hardly constitutes a 'request, behest, suggestion' that the Respondent make the expenditures it had already determined to make in support of its endorsement of the O'Donnell candidacy. There are *no* facts to substantiate any 'closed door meetings' between O'Donnell and Respondent, as alleged by Complainant, because there were none. There have *never* been any meetings or conversations between O'Donnell or persons from her campaign and Respondent, *other* than the public appearance by O'Donnell at the Respondent's event. That single public appearance does not constitute material involvement by the O'Donnell campaign with Respondent; there have been no substantial discussions between the O'Donnell campaign and Respondent regarding any of Respondent's activities.

Simply put, the Complaint is groundless and lacks any substantiating factual information because no facts exist that would constitute a coordinated public communication. The Complaint is wholly without merit and must be dismissed.

Please contact me at (202) 295-4081 should you wish additional information. Thank you.

Sincerely,

Cleta Mitchell, Esq., Counsel  
Our Country Deserves Better PAC /  
TeaPartyExpress.org

cc: Betty Presley, Treasurer  
Our Country Deserves Better PAC

RECEIVED

2010 OCT -7 PM 4:36

FEC MAIL CENTER



FEDERAL ELECTION COMMISSION  
999 E Street, NW  
Washington, DC 20469

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
2010 OCT -8 AM 11:22  
OFFICE OF GENERAL  
COUNSEL

STATEMENT OF DESIGNATION OF COUNSEL  
*Please use one form for each Respondent/Entity/Treasurer.*  
FAM (202) 219-3922

MUR # 6371

NAME OF COUNSEL: Cleta Mitchell, Esq.

FIRM: Foley & Lardner LLP

ADDRESS: 1000 K Street, NW, Suite 600, Washington, DC 20007

TELEPHONE- OFFICE (202) 295-4081

FAX (202) 672-5399

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

9-30-10 Betty Premley Betty Premley Treasurer  
Date Respondent/Agent - Signature Title (Treasurer/Candidate/Owner)

NAMED RESPONDENT: Our Country Deserves Better PAC/TeaPartyExpress.org

MAILING ADDRESS: 30151 Thomas Street  
(Please Print)

Rancho Santa Margarita, CA 92688

TELEPHONE- HOME \_\_\_\_\_

BUSINESS (949) 858-7448

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

Rev. 2008

11044293499